

**Andover Conservation Commission Meeting Minutes**  
**October 19, 2010**

Town of Andover  
36 Bartlett Street  
3<sup>rd</sup> Floor Conference Room  
7:45pm

**Conservation Commission Members in Attendance:**

Chairman Cooper, Commissioner Michael Walsh, Commissioner Alix Driscoll, Commissioner Jon Honea, Commissioner Gail Ralston and Commissioner Floyd Greenwood. Staff Members present were Robert Douglas and Linda Cleary.

**SCHEDULED ITEMS:**

**7 Cardinal Lane**

*Staff Recommendation: Approve as Neg.3 and Neg.5.*

Public Meeting on the Request for Determination of Applicability filed to determine if the replacement of a septic system and associated site work is subject to the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law.

Agent Cleary presented this to the Commission. The filing is under the Act only and is complete. No waivers are necessary. The Applicant has asked for a ruling on being subject to the By-Law. They are not because the house pre-dates 1999. The plan provided is the standard plan and application for a homeowner septic upgrade for a failing system. BVW is across the street but lot slopes towards the BVW on the neighbor's property across the street. The 25 ft. non-disturb is not conditioned as it would not be on the Applicant's property.

Vice Chairman Walsh asked for a Motion. Commissioner Walsh made a Motion to Approve as Neg.3 and Neg.5, it was seconded by Commissioner Ralston and unanimously approved.

## **11 Linda Road**

*Staff Recommendation: Approve as Pos.2b and Neg.3.*

Public Meeting on the Request for Determination of Applicability filed to determine if the construction of 12' x 24' deck is subject to the Massachusetts Wetland Protection Act.

Mr. Douglas presented this to the Commission. The filing is complete and a waiver is being requested for engineered plan. The Plan submitted has been OK'd by as to scale by Andover Inspector Kai Gilmour. This is a "Backyard Project" built on grass over 35 feet from BVW. The limit of work is set at 20 feet from the home.

Commissioner Ralston made a Motion to grant the plan waiver, this was a well marked plan, it was seconded by Commissioner Driscoll and unanimously approved.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to Approve as Pos.2b and Neg.3 and no grading, haybales 20 feet from the home and deck to be built on Sona Tubes. The Motion was seconded by Commissioner Ralston and unanimously approved.

## **81 Haverhill Street**

**Present in Interest: Eric Schneider**

*Staff Recommendation: Approve as Pos.2b and Neg.3.*

Public Meeting on the Request for Determination of Applicability filed to determine if the proposed construction of a 20' x 40' sports court is subject to the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law.

Mr. Douglas presented this to the Commission. This is an after the fact filing. A waiver is requested from tree line and engineered plan. This is a "Backyard Project". The project is 75-80 feet from the BVW. Commissioner Ralston made a site visit and said the clean up was done very well and there is a fence between the sport court and the wetland.

Chairman Cooper asked for a Motion. Commissioner Ralston made a Motion to approve the waivers and approve as Pos.2b and Neg.3, it was seconded by Commissioner Driscoll and unanimously approved.

## **6 Shattuck Road**

**Present in Interest: Marc Lamontagne and Dave Crispin**

*Staff Recommendation: Approve as Pos.2a, confirming boundaries of BVW as depicted by Flags WF1 through WGF10 inclusive and WF11 through WF21 inclusive, Neg.3 and Neg.6.*

Chairman Cooper knows Dave Crispin from previous work with him. Public Meeting on the Request for Determination of Applicability filed to determine the proposed work for parking lot maintenance including repaving and improvements to stormwater drainage systems is subject to the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law.

Agent Cleary presented this to the Commission. The project is complete and the filing is under the WPA only and a portion of the site is located in the Fish Brook Watershed Protection Overlay District. Waivers are being requested for property dimensions, tree line and distances from proposed work to the resource area. The proposed work does not comply with our regulation setbacks because the site conditions existed well before 1999. There is no expansion to the existing parking lot. No change in grade; grease hoods are added to catch basins; no change in pervious area. The entire project will take less than 3 weeks to grind the existing pavement, pack it down and repave. Trees and vegetation undisturbed. DA is conditioned to constitute full compliance with DA 1997-119 (repaving of existing walkways; protection of public water supply; waiver of submission requirements; protection of catch basins; and fueling and storage of equipment. Special condition to be added that when possible, snow to remain on pervious area.

Chairman Cooper asked for a Motion. Commissioner Ralston made a Motion to Approve as Pos.2a, Neg.3 and Neg. 6, it was seconded by Commissioner Driscoll and unanimously approved.

#### **MBTA Right-of-Way**

**Present in Interest: Amy Wettersberg, Joe Vitale, Michael Cifelli , Jack Connors, Gerry Steeves, Mike Manian**

*Staff Recommendation: Close Public Hearing and issue Order of Conditions at next meeting.*

Continued Public Hearing on an Notice of Intent filed under the Massachusetts Wetlands Protection Act, for the proposed construction of a double track installation, track rehabilitation, signal and power cable installation within the existing MBTA Right-of-Way from north of the Andover Commuter Rail Station at Ballardvale north to the Andover/Lawrence town lines.

Mr. Douglas presented this to the Commission. This was continued from October 5, 2010 hearing to address the environmental problems. Town Manager and Commission would like a Public Hearing to address abutters concerns.

The changes to the drainage meet the stormwater management regulations. The drainage culvert located west of the property at 60 Andover Street, will be cleaned out, both the inlet and the outlet so there is no restricted flow. Managers at MBTA did a radar test and observed the trains to try to address the speeding and noise issue. They came to the conclusion that due to the stop at Ballardvale, the trains were not speeding.

Mike Manian, 152 Andover Street, stated that the blocked culvert causes his property to flood. The culvert was constructed in 1896 and the capstone had slipped due to the age. This will be repaired, which will fix the flooding problem.

Gerry Steeves, 5 Clinton Court, lives at the lowest point in the area. There is a pipe and outlet at the crossing which runs into a ditch then into a culvert. An 18" perforated pipe to run 100 feet east of his property towards the crossing and into a culvert. This can be added as Special Conditions to the Order.

Debris to be removed at Lowell Junction and add impervious area to absorb oil/lubricant drainage.

A Special Condition will also be added that a public meeting be held within a specified number of weeks of approval.

Chairman Cooper asked for a Motion. Commissioner Greenwood made a Motion to close the public hearing and issue the Order at the next meeting, it was seconded by Commissioner Ralston and unanimously approved.

### **ACTION ITEMS:**

#### **551 & 551R Lowell Street**

**Present in Interest: Maureen Hanley**

*Staff Recommendation: Recommend 2 year extension.*

Request for a three year extension to an Order of Resource Area Delineation. Staff recommends a 2 year extension because the area is rich with vernal pools and may change in the 6 years since the first peer reviewed wetland line. Mr. Douglas recently walked the flagged wetland line and nothing has changed. Chairman Cooper is against the extension if it is not automatic by the legislature by the Permit Extension Act which will automatically extend for 2 years.

Commissioner Driscoll made a Motion to take no action, not approving the extension but acknowledging that the legislature may extend for 2 years, it was seconded by Commissioner Walsh and unanimously approved.

#### **47 Glenwood Road**

*Staff Recommendation: Approve.*

Request for temporary cessation of reports. Site is stable, however approval should include inspections be made during a 24 hour storm event.

Commissioner Ralston made a Motion to approve with inspections as stated, it was seconded by Commissioner Driscoll and unanimously approved.

**Riverina Road and  
Kenilworth Street**

*Staff Recommendation: Project exempt.*

Letter of Notification from Shaw Environmental, Inc. (Bay State Gas) for the Replacement and Maintenance of Natural Gas Utility Lines.

Commissioner Ralston made a Motion to find the project exempt, it was seconded by Commissioner Driscoll and unanimously approved.

**7 Newport Circle**

*Staff Recommendation: Approve.*

Request for temporary cessation of reports. Site is stable. Inspections to be made during a 24 hour storm event.

Commissioner Driscoll made a Motion to Approve with inspections during 24 hour storm event, it was seconded by Commissioner Ralston and unanimously approved.

**CONSENT AGENDA:**

**8 Cullen Circle**

Issuance of a Certificate of Compliance.

**546 & 548 Lowell Street**

Issuance of a Certificate of Compliance.

**10 Southbridge Circle**

Issuance of a Certificate of Compliance.

**Minutes**

Approval of minutes from the meeting of August 17, 2010.

**31 Glenwood Road**

Issuance of a Notification of Satisfactory Completion of Work Certificate.

Commissioner Ralston made a Motion to Approve the Consent Agenda, it was seconded by Commissioner Greenwood and unanimously approved.

**INFORMATION ITEMS THAT MAY REQUIRE A VOTE:**

**Overseer for Willard Circle**

Vote to approve Stephen Amesoeder as Overseer for Willard Circle.

Commissioner Ralston received an application for a father-son overseers team. Add David and Cameron Jost to the overseer list and a property will be determined for them.

Commissioner Ralston made a Motion to Approve, it was seconded by Commissioner Greenwood and unanimously approved.

**Shawsheen Gage**

This is the local measurement of stream flow and an early warning for Washington Park and Shawsheen in the event the Shawsheen floods. Monies have been raised to allow the Gage to remain in operation for the next year.

**Hunting**

Meeting with the Selectmen Monday, October 25<sup>th</sup>. Conservation Commission can vote at that meeting.

Chairman Cooper advised the Commission that there has been no Vice Chairman since Howard Kassler retired. Commissioner Driscoll nominated Commissioner Michael Walsh as Vice Chairman, it was seconded by Commissioner Ralston and unanimously approved.

A replacement Commissioner will be announced at the next meeting.

**The next meeting will be held at 8:00pm on November 2, 2010.**

**The meeting was adjourned at 9:25pm by Motion of Commissioner Driscoll, it was seconded by Vice Chairman Walsh and unanimously approved.**

**Respectfully submitted by:**

**Lynn Viselli,  
Recording Secretary**